

**16210. Adulteration of cashew nuts. U. S. v. 11 Cases of Cashew Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23224. I. S. No. 03613. S. No. 1331.)**

On December 5, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 cases of cashew nuts, remaining in the original unbroken packages at New York, N. Y., consigned by Lavitola Mastroti, Cape Haiti, Haiti, alleging that the article had been shipped from Cape Haiti, Haiti, on or before December 1, 1928, and transported from Haiti, into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Nones Airpack Cashews Whole."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 6, under food, in that it consisted in whole or in part of wormy nuts.

On January 16, 1929, A. Nones & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16211. Misbranding of cottonseed cake. U. S. v. 500 Sacks of Cottonseed Cake. Default decree of condemnation and forfeiture. Product ordered sold or released under bond. (F. & D. No. 23273. I. S. No. 04784. S. No. 1386.)**

On December 24, 1928, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of cottonseed cake, remaining unsold in the original unbroken packages at Worland, Wyo., consigned by the Dallas Oil & Refining Co., Dallas, Tex., alleging that the article had been shipped from Dallas, Tex., on or about December 11, 1928, and transported from the State of Texas into the State of Wyoming, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded in that the label bore the following statements: "100 Pounds Net Cotton Seed Cake or Meal, Manufactured by Dallas Oil & Refining Co., Dallas, Texas. Analysis Protein 43 per cent," which statements were false and misleading and deceived and misled the purchaser, since the article did not contain 43 per cent of protein, but did contain a much smaller percentage of protein.

On January 29, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal. It was further ordered by the court that the product might be delivered to the owner or owners upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be disposed of contrary to law; and it was further ordered that the United States marshal, before delivery of the product to the owner or purchaser, require them to relabel it as required by law, and particularly to state the amount of crude protein therein.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16212. Adulteration and misbranding of spirits of nitre. U. S. v. 11 Dozen Bottles of Spirits of Nitre. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20841. I. S. No. 7219-x. S. No. E-5638.)**

On February 13, 1926, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen bottles of spirits of nitre, remaining in the original unbroken packages at Charlottesville, Va., consigned about December 22, 1925, alleging that the article had been shipped by the W. H. Crawford Co., from Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained isopropyl alcohol.

The article was labeled in part: "Phoenix Brand Pure Products Spirits Nitre 4% Ethyl Nitrate 91% Alcohol, W. H. Crawford Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it was offered for sale under and by the name, to wit, spirits of nitre, recognized in the United States Pharmacopoeia official at the time of investigation, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under another name, to wit, spirits of nitre, and for the further reason that it contained isopropyl alcohol.

On February 4, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16213. Misbranding of Fildrysine. U. S. v. 14 Bottles of Fildrysine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23160. I. S. No. 02106. S. No. 1228.)**

On or about October 22, 1928, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 bottles of Fildrysine, in possession of the Drug Co. of Porto Rico (Inc.), San Juan, P. R., alleging that the article was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of iodides of potassium and sodium with small amounts of compounds of arsenic and mercury, a trace of berberine, glycerin, alcohol (1.5 per cent), and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle label) "Recommended for such states of the blood and skin which require the use of a depurative;" (circular) "Cure Yourself \* \* \* Our Lady of Lourdes; Fountain of Health, Hundreds of faithful people annually visit in search of health the miraculous fountains of Lourdes. You do not need to make such an expensive trip; have faith in the medicines prescribed in this pamphlet and you will enjoy good health. Faith is what Saves \* \* \* out with the bad humors with the use of this prodigious and new depurative. The most powerful blood purifier \* \* \*. Its use is indicated in all the diseases which are due to bad humors or vitiated blood, either recent or chronic, hereditary or by contagion. Therefore, it combats with efficacy Filariosis (Chronic inflammation of the Legs), Syphilis (Chancres, chancroids, cutaneous eruptions and other affections of the cells and organs derived from them), Erysipelas, Glandular Infarcts, (Adenitis), Chronic Ulcers, Grains, Blemishes, Herpes, Eczema, Groins, Pimples, Rheumatism, Gout, Inflammation of the Joints, Buboes, etc. \* \* \* in the Treatment of syphilis, after a series of Antisyphilitic injections such as Salvarsan (606) or Neo-Salvarsan (914) nothing will complete more efficaciously its radical cure than a series of six bottles of Fildrysine, this prodigious depurative."

On January 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**16214. Misbranding of Fildrysine. U. S. v. 3 Dozen Bottles of Fildrysine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23159. I. S. No. 02105. S. No. 1227.)**

On October 22, 1928, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 dozen bottles of Fildrysine, in the possession of J. M. Blanco (Inc.), San Juan, Porto Rico, alleging that the article was being sold and offered for